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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,536	10/03/2003	Scott Kauffman	005348.00003	9333
22909	7590	11/22/2005	EXAMINER	
BANNER & WITCOFF, LTD. 1001 G STREET, N.W. WASHINGTON, DC 20001-4597			TRIEU, VAN THANH	
			ART UNIT	PAPER NUMBER
			2636	

DATE MAILED: 11/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/677,536

Applicant(s)

KAUFFMAN, SCOTT

Examiner

Van T Trieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/6/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-8, 10-18, 20-28 and 30-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Broxmeyer** [US 4,965,583] in view of **Yonemura** [US 6,378,772].

Regarding claim 1, the claimed an apparatus for activating an inductance loop vehicle detector comprising a mount for mounting the magnet (the presence detectors comprises inductive loop antennas 9 burying in the guideway just below the vehicle running surface. The presence detectors are activated by the proximity of magnet 13 mounted extending under the forward part of the vehicle 6, see Fig. 5, col. 10, lines 15-31); but **Broxmeyer** fails to disclose the casing extending around at least a portion of the magnet. However, **Broxmeyer** silences of housing or casing of the magnet 13 being mounted extending under the forward part of the vehicle 6, see Fig. 5.

Yonemura suggests that the plurality of markers 1 are embedded in road surfaces and vehicle 2 includes a position detecting sensor 21 with coils 21b, 21c contained in a shield case 21a, which can be moveable extending under the vehicle's body, see Figs. 1, 4A and 4B, see col. 4, lines 7-13 and col. 5, lines 40-63. Therefore, it would have

been obvious to one skill in the art at the time the invention was made to adapt the shield case of **Yonemura** for containing the magnet of **Broxmeyer** in order to protect the magnet from foreign materials along the roadway, water, snow, dusts and/or rocks, which causing to deteriorate the magnet and even to lose the magnet. The shield case will not affect the magnet fundamental characteristics as to activate the switch of the inductance loop detector within a proximity distance

Regarding claim 2, **Broxmeyer** fails to disclose the plurality of protrusions that provide a separate distance between the magnet and a vehicle on which the magnet is mounted. However, according to the combination between **Broxmeyer** and **Yonemura** in respect to claim 1 above, wherein the magnet is contained within a shield case 21a, which is moveable extending up/down from the vehicle's bottom by a mechanism 23. Therefore, it would have been obvious to one skill in the art to recognize that the extending mechanism provides the same function to extend the magnet without loosing or lacking of the operation of the magnet and the vehicle detector system.

Regarding claim 3, all the claimed subject matters are discussed between **Broxmeyer** and **Yonemura** in respect to claim 2 above.

Regarding claim 4, all the claimed subject matters are discussed between **Broxmeyer** and **Yonemura** in respect to claim 3 above.

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Regarding claim 5, the claimed casing includes at least a first element and a second element that cooperate to form an enclosure for receiving the magnet, see Fig. 4B of **Yonemura** as discussed between **Broxmeyer** and **Yonemura** in respect to claim 1 above.

Regarding claim 6, the claimed casing defined passages there through for receiving the mount, see Figs. 4A and 4B of **Yonemura** as the combination between **Broxmeyer** and **Yonemura** in respect to claim 5 above.

Regarding claim 7, all the claimed subject matters are discussed between **Broxmeyer** and **Yonemura** in respect to claim 6 above.

Regarding claim 8, all the claimed subject matters are discussed between **Broxmeyer** and **Yonemura** in respect to claim 1 above, wherein the magnet 13 is the permanent magnet.

Regarding claim 10, the method claimed limitations are met by the apparatus claim as discussed between **Broxmeyer** and **Yonemura** in respect to claim 1 above.

Regarding claim 11, all the claimed subject matters are discussed between **Broxmeyer** and **Yonemura** in respect to claims 2 and 10 above.

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Regarding claim 12, all the claimed subject matters are discussed between **Broxmeyer** and **Yonemura** in respect to claims 2 and 11 above.

Regarding claim 13, all the claimed subject matters are discussed between **Broxmeyer** and **Yonemura** in respect to claims 3 and 12 above.

Regarding claim 14, all the claimed subject matters are discussed between **Broxmeyer** and **Yonemura** in respect to claims 4 and 13 above.

Regarding claim 15, all the claimed subject matters are discussed between **Broxmeyer** and **Yonemura** in respect to claims 1 and 10 above.

Regarding claim 16, all the claimed subject matters are discussed between **Broxmeyer** and **Yonemura** in respect to claims 5 and 15 above.

Regarding claim 17, all the claimed subject matters are discussed between **Broxmeyer** and **Yonemura** in respect to claims 6 and 10 above.

Regarding claim 18, all the claimed subject matters are discussed between **Broxmeyer** and **Yonemura** in respect to claims 8 and 10 above.

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Regarding claim 20, the method claimed limitations are met by the apparatus claim as discussed between **Broxmeyer** and **Yonemura** in respect to claim 1 above.

Regarding claim 21, all the claimed subject matters are discussed between **Broxmeyer** and **Yonemura** in respect to claim 11 above.

Regarding claim 22, all the claimed subject matters are discussed between **Broxmeyer** and **Yonemura** in respect to claims 2 and 21 above.

Regarding claim 23, all the claimed subject matters are discussed between **Broxmeyer** and **Yonemura** in respect to claims 3 and 22 above.

Regarding claim 24, all the claimed subject matters are discussed between **Broxmeyer** and **Yonemura** in respect to claims 4 and 23 above.

Regarding claim 25, all the claimed subject matters are discussed between **Broxmeyer** and **Yonemura** in respect to claims 1 and 20 above.

Regarding claim 26, all the claimed subject matters are discussed between **Broxmeyer** and **Yonemura** in respect to claims 5 and 25 above.

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Regarding claim 27, all the claimed subject matters are discussed between **Broxmeyer** and **Yonemura** in respect to claims 6, 7 and 20 above.

Regarding claim 28, all the claimed subject matters are discussed between **Broxmeyer** and **Yonemura** in respect to claims 8 and 20 above.

Regarding claim 30, the method claimed limitations are met by the apparatus claim as discussed between **Broxmeyer** and **Yonemura** in respect to claim 1 above.

Regarding claim 32, all the claimed subject matters are discussed between **Broxmeyer** and **Yonemura** in respect to claims 2 and 30 above.

Regarding claim 32, all the claimed subject matters are discussed between **Broxmeyer** and **Yonemura** in respect to claims 2 and 31 above.

Regarding claim 33, all the claimed subject matters are discussed between **Broxmeyer** and **Yonemura** in respect to claims 3 and 32 above.

Regarding claim 34, all the claimed subject matters are discussed between **Broxmeyer** and **Yonemura** in respect to claims 4 and 33 above.

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Regarding claim 35, all the claimed subject matters are discussed between **Broxmeyer** and **Yonemura** in respect to claims 1 and 30 above.

Regarding claim 36, all the claimed subject matters are discussed between **Broxmeyer** and **Yonemura** in respect to claims 5 and 35 above.

Regarding claim 37, all the claimed subject matters are discussed between **Broxmeyer** and **Yonemura** in respect to claims 6, 7 and 30 above.

Regarding claim 39, all the claimed subject matters are discussed between **Broxmeyer** and **Yonemura** in respect to claims 8 and 30 above.

2. Claims 9, 19, 29 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Broxmeyer** and **Yonemura** and further in view of **Balanky** [US 4,531,560].

Regarding claim 9, **Broxmeyer** fails to disclose the magnet is a grade 5 ceramic magnet. However, **Broxmeyer** teaches that the permanent magnet 13 is in proximity with the inductance loop antennas 9 for triggering a switch to indicate a presence of a vehicle with the magnet 14, see Fig. 5. **Balanky** suggests that a vehicle protective cover members 16, 44 or 62 comprises means to for removeably attaching each of the cover to the corresponding portion of the outside of the vehicle 10 by a plurality of spaced magnets 24 around the perimeter of each cover members 16, 44 or 62. The magnets 24

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are Grade 5 ceramic magnet material, see Figs. 1-4, col. 1, lines 60-68, col. 2, lines 1-18, col. 3, lines 35-68 and col. 4, lines 1-68 and col. 5, lines 1-15. Therefore, it would have been obvious to one skill in the art at the time the invention was made to substitute the Grade 5 ceramic magnet of **Balanky** for the permanent magnet of **Broxmeyer** and **Yonemura** because the ceramic magnet its self protected from all weather conditions.

Regarding claim 19, all the claimed subject matters are discussed between **Broxmeyer** and **Yonemura** and **Balanky** in respect to claims 9 and 18 above.

Regarding claim 29, all the claimed subject matters are discussed between **Broxmeyer** and **Yonemura** and **Balanky** in respect to claims 9 and 28 above.

Regarding claim 39, all the claimed subject matters are discussed between **Broxmeyer** and **Yonemura** and **Balanky** in respect to claims 9 and 38 above.

Response to Arguments

3. Applicant's arguments filed on 06 September 2005 have been fully considered but they are not persuasive. The combination with a reference of **Yonemura** will make the rejection smoother.

Conclusion

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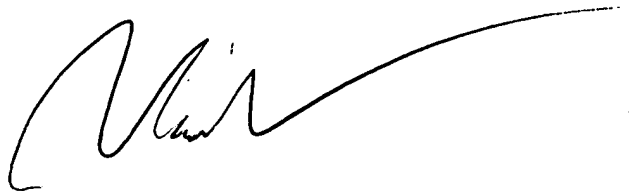
4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Frasier discloses a device and method for passively activating an inductive loop vehicle sensor, comprising an inductive loop embedded in a roadway and a passive activator mounted under a vehicle or at least on metallic foil. [US 5,652,577]

Strang et al discloses a traffic signal control system comprising of buried AC energized sensing loop type on the roadway, which detects predetermined changes in the characteristics of an electromagnetic field due to the presence of a detectable vehicle there within. [US 5,057,831]

5. Any inquiry concerning this communication or earlier communications from examiner should be directed to primary examiner **Van Trieu** whose telephone number is (571) 272-2972. The examiner can normally be reached on Mon-Fri from 7:00 AM to 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. **Jeffery Hofsass** can be reached on (571) 272-2981.

A handwritten signature in black ink, appearing to read 'Van Trieu', with a long, sweeping horizontal line extending to the right.

Van Trieu
Primary Examiner
Date: 11/16/05